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November 6, 1989

By: Hand Delivery

Charles G. Schott, Esq.
Office of the Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: A.C. Nielsen's Request for
Special Temporary
Authority to Use Line 22
of the Active Video
Signal; PN No. DA 89-1060

Dear Mr. Schott:

This letter is written on behalf of A.C. Nielsen Company ("Nielsen") to underscore, once again, the need for the Commission's immediate review and grant of Nielsen's August 14, 1989 Request for Special Temporary Authority, and/or Nielsen's July 19, 1989 Request for Permissive Authority.

As Nielsen and other members of the broadcast industry have stated repeatedly,^{1/} Nielsen's requests for authority, allowing broadcast licensees' use of line 22 to transmit Nielsen's SID Codes, must be granted so that Nielsen may provide to independent syndicated program producers the more accurate ratings they require. It was principally to be able to provide these ratings at the critical beginning of the current television season (when decisions regarding a program's survival and advertising rates are being made) that Nielsen filed its request for Permissive Authority almost two months before the start of the new season,

^{1/}See letters dated September 5 and 19 to Mr. Alex D. Felker from Paramount Pictures Corporation; letter dated September 5 to Mr. Alex B. Felker from Warner Brothers Domestic Television Distribution; and letter dated September 7 to Mr. Alfred C. Sikes from Warner Brothers Domestic Television Distribution.

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providing time well in excess of that required by the Commission in the past to review and grant virtually identical requests.^{2/}

Notwithstanding repeated calls for timely review of Nielsen's requests, this matter has been pending before the Commission for almost four months. During that time, Nielsen has responded to each Commission request for further information; has replied to each claim made by Airtrax and other competitors; has filed numerous comments and other documents;^{3/} has met upon request with the Commission's staff; and generally has attempted to take whatever steps were requested by the Commission to obtain a timely review of Nielsen's proposals. In spite of these efforts, the Commission has failed to act on Nielsen's Requests or the industry's expression of concern, and has failed even to express any basis whatsoever for its delay.

Nielsen again asks the Commission to grant promptly Nielsen's STA Request. We understand that the Commission's staff has recommended the granting of such temporary authorization over two months ago, authorization which would at least allow Nielsen to test its proposal and provide to the syndicated programming industry the ratings information it requires while the Commission considers its decision on Nielsen's Request for permanent Permissive Authority. Granting of such an STA would neither undermine the Commission's review process, nor adversely affect broadcast service or interfere with the provision of other services on line 22 that might be demanded by the marketplace. Further delay in the consideration of Nielsen's STA Request as the current television season unfolds, on the other hand, effectively denies that Request and denies syndicated programmers more accurate and reliable ratings.

^{2/}For example, Airtrax received permissive authority to use line 22 only six days after filing its completed request for that authority. See Nielsen's "Comments" in this proceeding at 2, note 3.

^{3/}See, e.g., Letter from the undersigned to Mr. Alex D. Felker, dated July 19, 1989; Letter from the undersigned to Bradley P. Holmes, Esq., dated August 11, 1989; Letter from the undersigned to Mr. Alex D. Felker, dated August 14, 1989; Nielsen's Reply to Opposition, filed on August 21, 1989; Letter from the undersigned to Mr. Alex D. Felker, dated August 29, 1989; Letter from the undersigned to Mr. Alfred C. Sikes, dated September 11, 1989; Comments filed by Nielsen on September 22, 1989; and Reply Comments filed by Nielsen on October 2, 1989.

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As always, please refer any questions regarding this matter to the undersigned.

Sincerely,



Grier C. Raclin

cc: All Parties on Attached List.

CERTIFICATE OF SERVICE

I, Arlene F Lacki, a secretary in the law firm of Heron, Burchette, Ruckert & Rothwell, do hereby certify that I have on this 6th day of November, 1989, caused copies of the foregoing to be hand-delivered to the following:

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*The Honorable Alfred Sikes
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*The Honorable James H. Quello
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